

Making a case -- your own -- in court

By Jared Cook
07/14/2002

Yes, lawyers are expensive.

But help is now here for those few brave souls determined to go to court alone.

Five Flagstaff community members received valuable tips and general advice from two legal professionals Thursday evening at DNA-People's Legal Services' monthly seminar on how to represent yourself in court.

The seminar is held the second Thursday each month from 6 to 8 p.m., usually in the County Board of Supervisors meeting room at 219 Cherry St. The meetings feature a panel consisting of a professional attorney and a judge.

Attendee Robert Gooch was there for the second time, working to prepare for his upcoming court date regarding car damages.

"It's really a great service," he said. "I think the Constitution was written up so you could represent yourself."

Thursday's judge, the Honorable Charles Adams of the Coconino County Superior Court, agreed, but highly discouraged self-representation. He spent the first 15 minutes of the seminar making certain that all present understood how hard it was to do well.

"It is extremely difficult to represent yourself," he said. "If you do, you have a fool for a client."

But with that said, he and fellow panelist Elaine Fridlund-Horne, a family law attorney in solo practice in Flagstaff, began to tell attendees how to do it, focusing first on careful planning.

"Prior Planning Prevents Poor Performance," said Adams, citing what he called the "Five P's."

And poor performance isn't afforded much leniency. According to Adams, Arizona law says that those representing themselves are held to the same standards as an attorney with respect to knowledge of both the law and legal procedures.

Fridlund-Horne suggested starting by researching the specific legal issue at stake at a law library. DNA-People's Legal Services makes one available to the public at its office at

222 E. Birch Avenue. The librarians there can offer limited assistance in finding the needed information.

Once a person has a general idea what area of the law is at issue, he or she should consult with an attorney, taking advantage of the free consultations that many offer. Fridlund-Horne suggested starting with the Yellow Pages to find the right attorney.

But, like a mechanic, she said, "the best way to find an attorney would be by word of mouth."

The attorney can give basic advice about what will need to be done to file a lawsuit, or to defend against one. But after that, you're on your own.

Library research and consultation, however, are only part of your preparation. An understanding of courtroom procedure is vital before you try to represent yourself.

Fridlund-Horne recommended that a layperson attend several trials, especially in the courtroom of the judge who will hear their case, to gain familiarity with the courtroom atmosphere and procedure. The court system is open to observers, with very few exceptions, and such an opportunity ought not be missed.

Adams warned against taking courtroom television as an accurate depiction of a real courtroom.

"Do not use Judge Judy as a role model -- except for how not to do it," he said.

In a real courtroom, he and Fridlund-Horne agreed, a person's entire demeanor is a part of the evidence that the judge sees. The way a witness presents himself affects the credibility of his testimony.

"Your credibility begins when you open your mouth," she said. "You should be very respectful."

That respect, she said, need not be for the judge personally. But his office deserves and demands it.

Adams suggested a simple rule for behavior while representing yourself: "Mean what you say, say what you mean, and don't do it in a mean way," he said. And, of course, he said, demonstrate the facts with cold, hard evidence.

"What the judge really wants are the facts -- he wants to make a good decision," he said.

Proper organization and presentation of those facts, then, is essential to representing yourself successfully. Adams recommended focusing on the basics: who, what, where, when and how. These should be the core of someone's opening and closing statements.

For the actual presentation of the facts, Adams suggested simple storytelling, his method of choice as an attorney communicating the facts of a case to a jury and judge.

"You're trying to create a painting, using words," he said. "That is the art of advocacy."

The story, however, must be backed with evidence. Bearing in mind, then, that the stories told in court will almost certainly diverge from one another, the panel emphasized that a person should do whatever possible to obtain objective evidence to confirm his or her story. That evidence can include corroborative witnesses -- and even a layperson representing himself has the power of subpoena to require testimony.

Fridlund-Horne cautioned particularly against trying too hard to disprove the opposition, instead of presenting positive evidence to prove one's own case.

"Focus on proving your side," she said.

But above all, she said, show respect to the judge, to the opposition and to the witnesses, in dress, in speech and in general bearing.

Judges certainly appreciate it. And often, according to Adams, they will return the favor.

"I admire you for trying to do this on your own," he said. "You have the right -- and I think judges respect that."

For smaller cases, the judge suggested trying alternative dispute resolution, a service offered by the Coconino County Superior Court and most courts. It may consist of working with a mediator, judge-conducted settlement conferences, arbitration, private mediators or other methods.

It's a service to help you stay out of the courtroom, he said. You can request it after filing your complaint, but, as with anything filed with a court, nothing can be done about your request until the other party responds.